

VZCZCXRO1470  
PP RUEHDBU RUEHLN RUEHVK RUEHYG  
DE RUEHTA #2404/01 1880653  
ZNR UUUUU ZZH  
P 070653Z JUL 06  
FM AMEMBASSY ALMATY  
TO RUEHC/SECSTATE WASHDC PRIORITY 6080  
INFO RUCNCIS/CIS COLLECTIVE PRIORITY  
RUEHNO/USMISSION USNATO PRIORITY 2132  
RUEHVEN/USMISSION USOSCE PRIORITY 1609

UNCLAS SECTION 01 OF 02 ALMATY 002404

SIPDIS

SENSITIVE  
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DEPT FOR SCA/CEN (J. MUDGE), DRL/PHD (C. KUCHTA-HELBLING)

E.O. 12958: N/A  
TAGS: [PREL](#) [PGOV](#) [PHUM](#) [KZ](#)  
SUBJECT: KAZAKHSTAN: AMBASSADOR DISCUSSES DEMOCRATIC  
DEVELOPMENT WITH PA DEPUTY HEAD ASHIMBAYEV

REF: ALMATY 1418

¶1. (SBU) Summary: In a July 3 meeting with the Ambassador, Deputy PA head Ashimbayev conceded that the process of consideration of amendments to the media law could have been more open, but argued that the current debate about the provisions proved that the process had been transparent. He stressed that the amendments would address a serious problem with lack of transparency of ownership of media outlets, and would not be used to limit the freedom of the media. On the question of training of political parties by U.S. NGOs, Ashimbayev said that training provided in a "balanced" way to both pro-government and opposition parties would be desirable. He informed the Ambassador that Otan and Asar would merge the following day. The Ambassador noted that in the context of the OSCE CIO bid, the U.S. did not see significant progress on political reform in Kazakhstan. Ashimbayev highlighted the work of the Democratization Commission and invited U.S. input. End summary.

¶2. (SBU) The Ambassador met with Maulen Ashimbayev, deputy head of the Presidential Administration, on July 3 in Astana to discuss a variety of issues effecting Kazakhstan's democratic development.

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Media Law Amendments  
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¶3. (SBU) Amendments to the media law passed by Parliament on June 29 were troubling, the Ambassador told Ashimbayev. The U.S. was particularly concerned by the lack of transparency and opportunity for public comment during the consideration of the draft legislation. The Ambassador noted that there was significant confusion regarding the contents of the final version; the fact that the public was unaware that several negative provisions had been dropped created an even more negative impression than was warranted.

¶4. (SBU) Ashimbayev conceded that the debate had not been public enough. He stressed that the PA had instructed the Information Ministry to introduce the amendments in an open way, however, and that the lively debate in the Mazhilis and the criticism from journalists showed that there had been a degree of transparency. He added that after the legislation was passed, the PA had ordered the Information Ministry to prepare additional explanatory materials regarding the need for the amendments. Ashimbayev assured the Ambassador that the amendments would be used only to increase transparency in the media world, not to limit freedoms. He underscored the present problem of lack of transparency in media ownership, adding that it's not enough for "everyone to know" who really owns a paper or a television station; it must be official.

The Ambassador stressed that it was crucial that media outlets continue to be able to publish and broadcast freely. Ashimbayev said he did not foresee the possibility of media seizures.

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Political Party Training  
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15. (SBU) The Ambassador raised the issue of training of political parties by U.S. NGOs, explaining that we had had an ongoing dialogue with the Procuracy for several years regarding what types of activities were permissible and what would be considered "financing" of a political party and therefore not permissible. In a recent meeting, Procurator General Tusupbekov had taken a more hard-line position than before and had told the Ambassador that any type of exchange of information constituted financing and was therefore illegal. Tusupbekov had recognized, however, that Kazakhstan welcomed and needed U.S. assistance in the area of political development. He suggested that the U.S. raise the issue with the Presidential Administration. Ashimbayev responded that as long as the training was given to both opposition and pro-government parties in a "balanced" manner, it was desirable. They agreed to arrange a meeting with representatives of the PA, the Procuracy, the Embassy/USAID, and NDI and IRI to brief on the programs and agree on a way forward.

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Party Merger  
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ALMATY 00002404 002 OF 002

16. (SBU) Ashimbayev, who was interrupted several times during the meeting by "hot line" calls from higher levels of the GOK, explained that last minute talks were underway regarding the merger of President Nazarbayev's Otan party and first daughter Dariga Nazarbayeva's Asar party. Ashimbayev informed the Ambassador that the merger would be announced at the July 4 Otan party congress. He did not expect the merger to result in a change in the leadership of Otan. (Note: The merger was announced on July 4. Zhumagulov remains the acting chairman of Otan. End note.)

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OSCE Chairmanship Bid  
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17. (SBU) The Ambassador told Ashimbayev that he would discuss the U.S. position on Kazakhstan's bid for the chairmanship of the OSCE with FM Tokayev later that day. The U.S. did not believe that democratic reform was moving forward in Kazakhstan. In fact, there had been a series of negative developments such as the flawed elections, media law amendments, rejection of Alga's registration application, and restrictions on Galymzhan Zhakiyanov's freedom of movement and association. The Ambassador asked Ashimbayev where the U.S. and Kazakhstan could best work together to support progress on democracy.

18. (SBU) Ashimbayev said that he could not agree that there was no progress on democratic reform, contrasting the present-day situation with the 1990s. He said that the Kazakhstani government's priorities at the moment were to ensure a successful Nazarbayev visit to Washington in September; to invest in Afghanistan's reconstruction and help combat extremism and terrorism; and to pursue political reform through the Democratization Commission. He said that U.S. recommendations on political reform would be welcome. The Ambassador noted that in a previous conversation (reftel), they had discussed the idea of inviting the OSCE to play a role in the running of the Democratization Commission. Ashimbayev did not respond directly, noting only that the

Commission had adjourned its work until mid- to late-August and would likely finish by the end of the year. He mentioned that working groups are examining issues such as reform of parliament, local self-government, and constitutional reform.

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